

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/712,628
Applicant : Parham, Tyler
Filed : 11/12/2003
Title : MULTI-PLAYER SECONDARY GAMING METHOD AND SYSTEM
TC/A.U. : 3714
Examiner : CARLOS, Alvin Leabres
Docket No. : TPARHAM.002US

DECLARATION UNDER RULE 1.132 - COMMERCIAL SUCCESS

I, Tyler T. Parham, declare and say:

(1) That I am a citizen of the United States residing at 1220 Skyline Blvd,
Reno Nevada 89509;

(2) That I am the inventor for the above-identified patent application;

(3) That since August 1998, I have been working in the field of Casino
gaming and development including slot and video poker gaming systems;

(4) That since May 8, 2001, I have been the Director of Gaming Development
at Gaming Enhancements, Inc., Reno, Nevada;

(5) That I am a co-inventor or inventor for over 20 gaming patents / patent
applications including US 6,626,758, US 7,008,319, US 7,172,198 and US 7,575,517;

(6) That I am familiar with the above-identified patent application Ser. No.
10/712,628 and the following references cited by the Examiner: Cannon et al., US
2003/0119581, Schneider, U.S. 6,358,149 and Kerr, U.S. 20020142844;

(7) That under penalty of perjury, I declare that the present invention as
claimed by the above-identified patent application is commercially successful;

(8) That this commercial success demonstrates that the claimed invention is not obvious in view of the cited references;

(9) That as shown by Exh. A (attached), within a 2 year period commencing Oct. 1, 2007 through Oct. 1, 2009, a total of 691 casino games have implemented this claimed invention;

(10) That as of Oct. 1, 2009, a total of 62 Casinos across the entire United States have implemented this claimed invention;

(11) That as Oct. 1, 2009, the attached spreadsheet Exh. A showing the casino games and their locations is true and correct;

(12) That the casino games embodying the claimed invention are Carousel of Cash, Wild Native Spirit and Super Bankroll Bonus;

(13) That the claimed invention is embodied by each of the aforementioned games;

(14) That, as an example, the claimed invention is embodied by the Super BankRoll Bonus game, described by the marketing brochure attached as Exh. B;

(15) That the Super BankRoll Bonus game of Exh. B embodies the invention as follows:

- a. That Super BankRoll Bonus uses a predetermined game outcome to qualify a primary game such as when "three bonus symbols on an active payline is all it takes to activate the stimulating bonus round or Super BankRoll Bonus;"
- b. That, a bonus game indication cycle is embodied by the spinning of "the horizontal bonus strip that goes round and round;"
- c. That multiple players can participate in the same round;

- d. That additional players can be qualified within a designated time limit provided by the bonus game indication cycle such as when “players not already qualified have 15 seconds to earn their way into the action of the current bonus round;”

(16) That as Jan. 1, 2010, a total of two new games incorporating the present invention is planned for launch;

(17) That there is little advertising mostly through website media;

(18) That the relevant market for the claimed invention relates to recurring revenue communal gaming machines;

(19) That because this segment is relatively new, I have been unable to find any specific market data;

(20) That, however, since the claimed invention has been targeted mostly to gaming establishments with 500 or more machines; and

(21) That since there are 380 gaming casinos with 500 or more gaming machines (estimated) in the United States (See Exh. C);

(22) The 62 Casinos sold to represent a 16% market segment for gaming casinos with 500 or more gaming machines within a 2 year period;

(23) That even at 16% market penetration, which is very conservative, the claimed invention is commercially successful and demonstrates that the claimed invention cannot be obvious in view of the cited references; and

(24) That the undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section

1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Further declarant saith not.

Date: 2/2/10

Signed: 